REMARKS

Currently, claims 1, 5-15, 25, 36, 37, 39-41, 45-55, 65, and 76-82 are presented for examination. Of these, claims 1, 5-9, 13, 41, 45-49, and 53 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,154,753 issued to McFarland. Further, claims 10-12, 14, 15, 25, 36, 37, 39, 40, 50-52, 54, 55, 65, and 76-82 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over McFarland (U.S. Patent No. 6,154,753), as applied to claims 5, 9, 13, 45, 49, and 53 above. Claims 1, 6-10, 12, 15, 25, 36, 37, 41, 46-50, 52, 55, 65, and 77-81 have been amended in a non-narrowing manner. Claims 5, 45, and 76 have been canceled. No new matter has been entered. The Applicants submit that claims 1, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-85 are in condition for allowance for at least the reasons presented herein and respectfully request reconsideration of the outstanding rejections.

Rejections under 35 U.S.C. §102

Claims 1, 5-9, 13, 41, 45-49, and 53 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,154,753 issued to McFarland. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985). The Applicants traverse the rejections for at least the reasons presented herein. McFarland does not teach or suggest each and every element of Applicants' amended claims 1 and 41. The additional limitations provided in claims 1 and 41 have been taken from claims 5 and 45, respectively. Claims 5 and 45 have been accordingly canceled.

Applicants' amended claims 1 and 41 recite, respectively, a method and storage medium "for facilitating supplier auditing functions in a communications network environment, comprising:

receiving a request from a *user system of an enterprise system* to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of *an existing or prospective trading partner of the enterprise system*;

said enterprise system retrieving data from at least one database, said data corresponding to said activity selected; and

transmitting said data to said user system;

> *wherein said scheduling said audit includes:*

> *entering supplier data relating to the trading partner into a schedule form;*

> *entering requester information into said schedule form;*
> *selecting an auditor to perform said audit;*
> *entering a purpose for said audit;*
> *entering a time frame for performing said audit; and*
> *distributing a completed schedule form to at least one entity;* and

wherein further said enterprise system includes a quality network application for executing activity options."

McFarland does not teach these features. The method and system of McFarland are exclusively concerned with facilitating "the personnel of *an organization* to comply with the requirements of ISO 9000" (col. 3, lines 42-43 and 49-53, emphasis added). The shortcomings McFarland was concerned with are not specifically those of one enterprise system seeking to audit the certification of separate supplier enterprises (these inter-enterprise problems including redundant and unnecessary audits of the same supplier by different procurement divisions, and inconsistent audit results for suppliers due to non-standardized formats, see Applicants' Specification p. 3, line 10-p.4 line 2), but rather problems related to a supplier or other enterprise trying to manage and/or audit its own certification. These types of problems include document availability and management (col. 3, lines 22-34), internal personnel qualifications (col. 3 lines 34-37), and corrective action administration (col. 3, lines 37-40). To this end, McFarland teaches providing "the necessary commands and building blocks to permit the user to develop forms and manipulate data" (col. 8, lines 21-24), which are used to "support objective evidence that (1) certain actions actually occurred, (2) expected results were achieved, and (3) the

intent and purpose of the controlling document was actually carried out" (col. 8, lines 61-65).

The auditing activities taught by McFarland may be conducted by internal or external auditors. In either event, however, the auditing activities involve the organization designating an auditor to perform an audit on itself. This selection is facilitated by the audit management module 20 that "includes a single database that plans, executes, and records internal process audits, configuration management audits, and external 3rd party audits" (col. 10, lines 34-37). Thus, the subject of the audits as taught by McFarland is the same entity that is requesting and managing the audits. Contrary to McFarland, the subject of the audits as recited in claims 1 and 41 is the trading partner or supplier of the entity that requests and manages the audits. Thus, McFarland is devoid of teaching that audits are performed on a trading partner or supplier of the entity that schedules the audits.

The Examiner states that the "Applicants claim language does not preclude the performance of self-conducted audits" (Office Action, page 3). The Applicants have amended the claims to clarify that the audits are *not self-conducted* as is clearly taught by McFarland. Specifically, claims 1 and 41 recite that audits for existing or prospective trading partners of the enterprise system are requested by a user system of the enterprise system. Support for these amendments may be found throughout the specification and drawings, e.g., page 8, lines 12-16. Accordingly, claims 1 and 41 recite two distinct enterprise systems, namely, the enterprise system requesting the audit and the supplier enterprise for which the audit is to be conducted. The recitation of two distinctive enterprises in the context of the claim language clearly precludes any interpretation that the audits may be self-conducted.

For at least these reasons, the Applicants submit that claims 1 and 41 are not anticipated by McFarland. Claims 6-9 and 13 depend from what is an allowable claim 1. Claims 46-49 and 53 depend from what is an allowable claim 41. For at least these reasons, the Applicants submit that claims 1, 6-9, 13, 41, 46-49, and 53 are in condition for allowance. Reconsideration of the outstanding rejections is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 10-12, 14, 15, 25, 36, 37, 39, 40, 50-52, 54, 55, 65, and 76-82 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McFarland (U.S Patent No. 6,154,753), as applied to claims 5, 9, 13, 45, 49, and 53 above. Claims 5 and 45 have been canceled. Claims 9 and 13 depend from what is an allowable claim 1. Claims 49 and 53 depend from what is an allowable claim 41. As indicated above with respects to claims 1 and 41, the Applicants' claims 9, 13, 49, and 53 are not anticipated by McFarland. Accordingly, the Applicants submit that claims 10-12, 14, and 15, which depend from claim 1, and claims 50-52, 54, and 55, which depend from claim 41, are also in condition for allowance. The Applicants respectfully request reconsideration of the outstanding rejections of claims 10-12, 14, 15, 50-52, 54, and 55.

Applicants' claims 25 and 65 recite a method and storage medium, respectively, for facilitating supplier auditing functions.

Claims 25 and 65 include the limitations "receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system...receiving a request from the first enterprise system to initiate a activity...including viewing results of an audit performed on the trading partner..." The Examiner concedes that McFarland does not teach a request to contact a web site; however, the Examiner states that it is "old and well-known in the art of inter-enterprise communications to utilize a web site (such as an Internet-based web site) maintained by an enterprise system that authenticates a user's ID and password via a firewall and a communications network environment that includes an extranet in order to promote secure communications among users from different organizations" (Office Action mailed March 2, 2005). The Examiner then states that it would have been obvious to modify the teachings of McFarland to incorporate a website because McFarland "allows for audits to be performed by external third party auditors" and an extranet architecture would promote secure communication among users from different organizations (Office Action mailed March 2, 2005). The Applicants strongly disagree and submit that any expansion of the network as suggested by the Examiner would, at best, result in communications between the external auditor and the entity that is being audited. The network

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communications recited in Applicants' claims 25 and 65, on the other hand, are directed to an entity that qualifies/audits a trading partner and the trading partner that is being audited.

Moreover, McFarland teaches away from such communications because it seeks to give certification process control and information to the audited entity rather than the entity conducting/managing the audits. A reference that teaches away from the claimed invention is a significant factor to be considered in determining obviousness. MPEP 2145.X.D.1; see *In re Gurley*, 31 USPQ2d 1130 (Fed. Cir. 1994). McFarland teaches a method and system "configured to substantially obviate one or more of the problems in complying with the requirements of ISO 9000 and corresponding standard requirements" (col. 3, lines 51-53). McFarland explains the benefit of this in the larger context of suppliers and external customers as follows:

> "By complying with one or more of the applicable family of ISO standards,
> Suppliers are able to obtain the confidence of their customers, *without the*
> *necessity of following many different quality control processes required by*
> *different customers.*" (col. 1, lines 61-65, emphasis added)

Applicants claim language repeatedly focuses on "facilitating supplier auditing functions" by "an enterprise system." The supplier is a trading partner of the enterprise system. This is precisely the type of relationship which the italicized language above demonstrates that McFarland hoped to make unnecessary. Since McFarland teaches a method and system designed to obtain customer confidence without the need for submitting to "many different quality control processes required by different customers," it must teach away from any system which facilitates exactly that type of interaction. For this reason as well, the Applicants submit that amended claims 25 and 65 are in condition for allowance.

Claim 36 recites "a system for facilitating supplier auditing functions in a communications network environment, comprising:

a host system including a web server, an applications server, and a database server;

a data storage device in communication with said host system;

quality information network software application being executed by said host

system;

a firewall in communication with said host system;

a workstation; and

a computer network connecting the host system to the workstation; wherein the quality information network software application performs:

receiving a request from the workstation of an enterprise of the host system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise;

retrieving data from the data storage device, said data corresponding to said activity selected; and

transmitting said data to said workstation;

wherein said scheduling said audit includes:

entering supplier data relating to the trading partner into a schedule form;

entering requester information into said schedule form;

selecting an auditor to perform said audit;

entering a purpose for said audit;

entering a time frame for performing said audit; and

distributing a completed schedule form to at least one entity."

The Examiner maintains that claim 36 is unpatentable for the reasons advanced above with respect to claims 25 and 65. The Applicants respectfully disagree. There is simply no teaching or suggestion throughout the McFarland reference of an inter-enterprise network structure as recited in claim 36. This void is likely because the teachings of McFarland have no need for such network construction, as the focus of auditing activities taught by McFarland is directed to self-conducted audits (either via internal auditors or third party auditors). In support, the Examiner's attention is respectfully directed to Figure 1 of McFarland and the accompanying description in column 9, lines 5-19. McFarland does teach computer-implemented modules as briefly referenced in Figure 2 and the accompanying description which provides that "authorized users of the quality system, each have a work station where the user can access one of several modules via their personal computers" (col. 9, lines 21-23). However, McFarland

fails to teach or suggest any indication of network architecture outside of the organization implementing the modules, much less an inter-enterprise network architecture between a trading partner and an enterprise seeking to qualify the trading partner.

The Examiner further states that the "same structural elements would be used regardless of whether the auditor is selected internally or externally" (Office Action mailed March 2, 2005). The Applicants fail to appreciate the relevance of this statement, particularly since McFarland lacks any teachings or suggestion of even the most rudimentary network elements, much less the network architecture recited in claims 25, 36, and 65. For at least these reasons, and for the reasons advanced above with respect to claims 1 and 41, the Applicants submit that amended claim 36 is in condition for allowance.

Claims 37, 39, 40, and 76-82 depend from what is an allowable claim 36 and, for at least this reason, are in a condition for allowance. The Applicants respectfully request reconsideration of the rejections of claims 10-12, 14, 15, 25, 36, 37, 39, 40, 50-52, 54, 55, and 65.

CONCLUSION

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 50-0150.

Respectfully submitted,

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